

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY WILLIAMS,	:	CIVIL ACTION NO. 1:12-CV-0112
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
JOHN E. WETZEL, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 25th day of January, 2012, upon consideration of the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), and the application to proceed in forma pauperis (Doc. 3) filed by petitioner Anthony Williams, who is presently incarcerated at the State Correctional Institution at Mercer, Pennsylvania, which is located in the Western District of Pennsylvania, and it appearing that “[t]he federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over [the petitioner][,],’ 28 U.S.C. § 2242; see also § 2243 (‘The writ, or order to show cause shall be directed to the person having custody of the person detained’),” and that “these provisions contemplate a proceeding against some person who has the immediate custody of the party detained, with the power to produce the body of such party before the court or judge, that he may be liberated if no sufficient reason is shown to the contrary,” Rumsfeld v. Padilla, 542 U.S. 426, 434-435 (2004) (citations omitted), and that a habeas petitioner challenging his present physical custody within the United States should name his warden as a respondent and file

the petition in the district of confinement, see R. GOVERNING § 2254 CASES R.2(a)¹, and it further appearing that petitioner is incarcerated in the Western District of Pennsylvania and that this court therefore lacks jurisdiction over the petition, it is hereby ORDERED that:

1. The application to proceed in forma pauperis (Doc. 3) is GRANTED.
2. The petition for writ of habeas corpus (Doc. 1) is DISMISSED for lack of jurisdiction.
3. The dismissal is without prejudice to petitioner's right to file the petition in the district of confinement. See Harsco Corp. v. Zlotnicki, 779 F.2d 906 (3d Cir. 1985).
4. The Clerk of Court is further directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹Although petitioner was convicted in 2009, in the Court of Common Pleas of Lehigh County, which is within this district (Doc. 1, at 2, ¶ 1), he is not challenging the lawfulness of that conviction or the sentence imposed by the state court. Instead, he is challenging the calculation of his sentence by the Pennsylvania Department of Corrections. (Doc. 1, at 3, ¶¶ 10-20.)